## IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF VIRGINIA

## Richmond Division

MARY G. FAISON,  pro se Plaintiff,	)	
v.	)	Civil No. 3:17cv44 (MHL)
NANCY A. BERRYHILL, Acting Commissioner of Social Security,	) ) )	
Defendant.	)	

## **REPORT AND RECOMMENDATION**

This matter comes before the Court for a report and recommendation pursuant to 28 U.S.C. § 636(b)(1)(B) on Defendant's Motion to Transfer Venue. (ECF No. 8.) Having reviewed Defendant's submission, and because Plaintiff Mary G. Faison ("Plaintiff") failed to file a response, the Court recommends that Defendant's Motion to Transfer Venue (ECF No. 8) be GRANTED and this case be transferred to the Rome Division of the Northern District of Georgia.

Plaintiff, proceeding *pro se*, seeks judicial review pursuant to 42 U.S.C. § 405(g) of the final decision of the Commissioner denying her application for benefits under the Social Security Act. (Compl. (ECF No. 3) at 1-2.) Section 405(g) specifically provides that actions seeking judicial review of the Commissioner "shall be brought in the district court of the United States for the judicial district in which the plaintiff resides." 42 U.S.C. § 405(g).

Here, Plaintiff resides in Hiram, Georgia, which is located in Paulding County in the Northern District of Georgia. (Compl. at 2.) That District's local rules subdivide it into four divisions: the Atlanta Division; the Gainesville Division; the Newman Division; and, the Rome

Division. N.D. Ga. LR 3.1(A), app. A(I)(1)-(4). "Any civil action brought in th[e Northern District of Georgia] on the grounds that the cause of action arose [t]here must be filed in a division of the district wherein the activity occurred." N.D. Ga. LR 3.1(B)(3). Paulding County lies within the Rome Division. N.D. Ga. LR app. A(I)(4). Thus, proper venue in this action lies in the Rome Division of the Northern District of Georgia. Accordingly, the Court recommends that Defendant's Motion to Transfer Venue (ECF No. 8) be GRANTED, and that this case be transferred to the Rome Division of the Northern District of Georgia.

Let the Clerk forward a copy of this Report and Recommendation to United States District Judge M. Hannah Lauck, to pro se Plaintiff at her address of record, and to Jonathan H. Hambrick, Assistant United States Attorney.

## **NOTICE TO PARTIES**

Failure to file written objections to the proposed findings, conclusions and recommendations of the Magistrate Judge contained in the foregoing report within fourteen (14) days after being served with a copy of this report may result in the waiver of any right to a de novo review of the determinations contained in the report and such failure shall bar you from attacking on appeal the findings and conclusions accepted and adopted by the District Judge except upon grounds of plain error.

David J. Novak

United States Magistrate Judge

Richmond, Virginia
Date: April 24, 2017